

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

JUL 10 1995  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

## Amendment of Part 95 of the Commission's Rules to allow Interactive Video and Data Service licensees to provide mobile services to subscribers

WT Docket No. 95-47

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EON Corporation (EON) respectfully submits its reply comments to the Federal Communications Commission (FCC or Commission), in the above-captioned proceeding.<sup>1/</sup> EON is pleased that virtually every commenter in this proceeding agrees with the Commission's intention to adopt rules allowing mobile services in the IVDS spectrum.<sup>2/</sup>

<sup>1/</sup> *In the Matter of Amendment of Part 95 of the Commission's Rules to allow Interactive Video and Data Service licensees to provide mobile service to subscribers*, Notice of Proposed Rule Making, WT Docket No. 95-47, (rel. May 5, 1995) (*Notice*).

<sup>2/</sup> See comments of National Action Group for IVDS; IVDS Licensees; Committee for Effective IVDS Regulation; ITV and IVDS Affiliates, LLC (ITV and IALC); Radio Telecom & Technology, Inc. (RTT); Tel/Logic, Inc.; Interactive Management Services, LLC; Windgate Fund, LLC; Dispatch Interactive Television (Dispatch);

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EON's petition for rulemaking<sup>3/</sup> and the FCC's Notice will not change the basic nature of IVDS.<sup>4/</sup> On the contrary, like many of the commenters, EON believes that a market for interactive television and broadcasting can be developed and succeed. However, like many of the other commenters, EON believes that because of the need to develop both interactive services and a customer base for them, the ability to offer mobile services on an ancillary basis is critical to permitting IVDS licensees to comply with buildout requirements, and rapidly to enter the market and build an interactive broadcast-linked service.

There are a few comments that EON would like to address directly. EON reiterates its position supporting the Commission's proposal to adopt rules that would allow mobility on an ancillary basis. As stated in its comments, EON understands that the Commission does not intend that individual subscribers be required to take both services, but that, so long as the licensee offers subscribers a device or devices capable of receiving IVDS services at a fixed location in addition to mobile services, it would fully comply with the rules. On the

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<sup>2/</sup>(...continued)

Triad TV Data (Triad); Grand Broadcasting Corporation (GBC); Henry Mayfield; Active Communications Partners; Concepts to Operations, Inc.; SEA, Inc.; Richard L. Vega Group (RLV); Erwin Aguayo, Jr.; Commercial Realty St. Pete, Inc. (CRSPI); and Joann Hartley.

<sup>3/</sup> Petition for Rule Making, RM-8476, filed May 11, 1994, placed on Public Notice May 19, 1994. (*Petition*).

<sup>4/</sup> Contrary to the comments of CRSPI, EON did not petition the FCC to "completely change the system." *See* comments of CRSPI at 3. EON's petition asked only that the Commission add to the existing rules mobile RTUs operating at 100 milliwatts and messaging as an allowable communications service. Otherwise, the use of EON's milliwatt system for fixed IVDS services is allowed under the current IVDS rules. Since the milliwatt system was within the framework of the rules, there was no need to "inform" the Commission, except when EON sought type acceptance for its milliwatt equipment, which was granted by the Commission in 1994.

other hand if, based on the comments of those requesting additional flexibility,<sup>5/</sup> the Commission chooses to permit licensees to offer only mobile services, EON would not object.

Several commenters request that the Commission reduce its duty cycle limitation on mobile units or both mobile and fixed units.<sup>6/</sup> Because the duty cycle limitation is based solely on technical factors and is intended to protect TV Channel 13 from interference, EON believes that the duty cycle limitation is no longer warranted for systems in which RTUs are operating at power levels of 100 milliwatts or less.<sup>7/</sup> EON did not, however, request that the Commission remove the limitation at this time. We consider that the best approach to proving that low power IVDS systems will not cause interference to TV Channel 13 is to introduce the service under the current duty cycle limitation, and gather operational experience and data demonstrating the lack of interference.<sup>8/</sup> It is our hope that, based on

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<sup>5/</sup> See comments of GBC; National Action Group for IVDS; Triad.

<sup>6/</sup> See comments of Committee for Effective IVDS Regulation; National Action Group for IVDS; IVDS Licensees; Active Communications Partners; Tel/Logic; Interactive Management Services; ITV and IALC; SEA, Inc.; Concepts to Operations; Henry Mayfield; Erwin Aguayo, Jr.; Triad; Joann Hartley.

<sup>7/</sup> EON supports the proposals of RTT and IVDS Licensees that the 100 milliwatt power limit on mobile RTUs apply to the average power in any one 100 millisecond period, rather than to the peak power. See Comments of RTT at 5 and IVDS Licensees at 6. Contrary to the assertion of Dispatch, limiting the power of mobile RTUs to 100 milliwatts would not require the placement of cell site transmitters "at most 4000 feet apart." See Comments of Dispatch at 12. In EON's IVDS network architecture, the use of remote receivers to reduce the required RTU transmission distance allows the placement of transmitters up to 26,000 feet apart.

<sup>8/</sup> EON notes that one commenter suggested that even if the Commission removes the duty cycle limitation that it still apply it to equipment manufactured by EON. See comments of Active Communications Partners at 2. We assume that the Commission will ignore such spurious and illogical comments.

such experience all interested parties could then join in a request to modify the technical rules. To the extent the Commission believes it is possible to apply a less restrictive duty cycle standard and still prevent harmful interference to TV Channel 13, EON would not disagree with such a rule change.

Contrary to the statements of two commenters, EON did not request that the Commission change its rules with regard to fixed RTU power limitations,<sup>9/</sup> nor does it seek the adoption of any rules in order to "effectively control the IVDS."<sup>10/</sup> In fact, if the Commission believes that it can apply the same power standards to mobile RTUs as it currently applies to fixed RTUs without compromising Television Channel 13 reception, we would not object. EON's belief is that, given the itinerant locations of these devices, it is better that they operate at low power. However, to the extent that the Commission, in consultation with the broadcasting community, is satisfied that engineering approaches other than very low power operation would provide sufficient protection to TV Channel 13, EON has no objection whatsoever to the Commission adopting such standards.

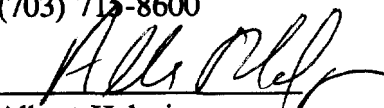
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<sup>9/</sup> See Comments of CRSPI at 3 and Dispatch at n. 4.

<sup>10/</sup> See comments of Dispatch at n. 2. See also comments of Concepts to Operation, Inc. at 5; Action Communications Partners at 1; Joann Hartley at 1. Adoption of the proposals in the *Notice* would in no way require the use of EON's technology for IVDS. This is clear from the comments of at least three competing manufacturers. SEA, Inc., a manufacturer of narrowband landmobile equipment and a potential competitor of EON's in the provision of IVDS equipment supports the 100 milliwatt ERP maximum limit for itinerant mobiles. See comments of SEA, Inc., at 5. Another company, Signal Science, Inc. claims to be able to operate mobile RTUs at even lower powers than that proposed by EON. See comments of ITV and IALC, Attachment A at 1. See also comments of RTT at 5; GBC at 5.

As EON indicated in its *Petition*, and as other parties state in their comments,<sup>11/</sup> prompt FCC action is needed so that consumers, broadcasters and IVDS licensees can enjoy the full benefit of design refinements not contemplated in the original rules. EON believes that mobility is critical to IVDS licensees' early success in the marketplace, and thus to the Commission's goals of ensuring small business opportunities in communications services. Several licensees are building or are on the verge of building their systems; Prompt adoption of the rule changes the Commission has proposed will permit IVDS licensees rapidly to initiate service to the consumer. Furthermore, since the Commission intends to auction additional IVDS licenses in the Fall of 1995, it is desirable that these rules be in place before that time. EON urges the Commission to adopt these rules without delay.

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July 10, 1995

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<sup>11/</sup> See comments of Tel/Logic at 4-5; Triad at 5.

## CERTIFICATE OF SERVICE

I, Katherine Rasdorf, hereby certify that a true copy of the Comments of EON Corporation was served by first-class U.S. mail, postage pre-paid, on each of the parties listed below this 10th day of July, 1995.

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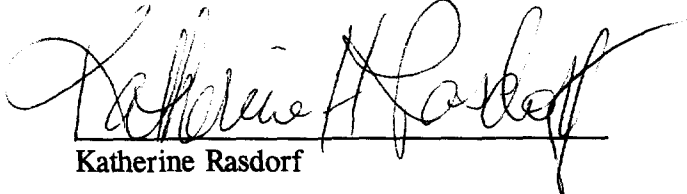
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